

Board of Selectmen's Minutes
April 26, 2007
Harpswell Town Office
Approved May 10, 2007

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Selectmen Present: Amy N. Haible, James S. Henderson and Chairman Samuel W. Alexander

Staff Present: Kristi K. Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; Tracey Thibault, Code Enforcement Officer and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Alexander moved, seconded by Selectman Haible to adopt the agenda as printed; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane extended thanks to the emergency services providers and Emergency Management Agent William Labbe for their work throughout the Patriot's Day Storm. Administrator Eiane reported that there has been a Presidential declaration allowing for FEMA reimbursement for public damage (not for individual or business loss as of yet). FEMA Officials came to Harpswell on April 23 and visited a few sites. Administrator Eiane stated that individuals who suffered damage not covered by insurance should contact the Town and the Town will provide the information to the State. Administrator Eiane encouraged the Board to extend the waiving of brush fees at the transfer station for another four weeks. Selectman Haible moved, seconded by Chairman Alexander to extend the waiving of fees for brush cleanup related to the storm until June 1; motion passed 3-0. Administrator Eiane reported that a meeting was held Monday night at Mount Ararat High School with SAD 75 representatives, Senator Edmonds and Representative Percy to discuss where Harpswell's special education funding stands. Administrator Eiane announced Senator Edmonds has agreed to try for an amendment to the Appropriations Committee. Administrator Eiane explained that the Town sent a letter with over 200 signatures to Governor Baldacci, Senator Edmonds, Representative Percy and Commissioner Gendron requesting Harpswell's special education funding. Administrator Eiane encouraged the public to phone the Appropriations Committee and send letters to keep up the political pressure regarding this important issue. Selectman Haible encouraged the public to be very active in this issue as the solution is political. Chairman Alexander stressed the importance of residents being active in this issue. Administrator Eiane encouraged the public to apply for the Maine Resident Property Tax and Rent Refund Program as more and more households are eligible and the Town's Treasurer will assist any applicant. Administrator Eiane reported that the Dept. of Transportation held a meeting regarding the Cribstone Bridge project on Tuesday and that they are very close to beginning this \$11.3 million dollar project scheduled for 2008. DOT has researched the historic value of the bridge and has a plan prepared. DOT asked the Town if the Town wants to pay to place the utilities under the bridge at an approximate cost of over \$600,000. There is a concern that the temporary bridge, to be used during construction on the Cribstone Bridge, will not have a walkway. Selectman Henderson encouraged the public to contact the Town Office if a walkway on the temporary bridge is desired and the Town can communicate to DOT. Chairman Alexander believes the walkway issue is dependent on which contractor DOT chooses.

3. Selectmen's Announcements: Selectman Haible announced mooring fees are due May 1, 2007. Selectman Haible extended a thank you to all the fire and rescue providers for their incredible work and also a thank you to those who prepared food for the volunteers during the Patriot's Day Storm and its aftermath. Selectman Haible noted that the Board is inviting emergency services personnel for a debriefing on May 10, 5:30 p.m. at the Town Office.

- 4. Old Business:** Selectman Haible announced that Ed Laine, of Bowdoin College, has agreed to speak at a future Selectmen's Meeting regarding the monitoring buoy in Casco Bay when convenient to the schedule.
- 5. Emergency Management Agent's Report:** William "Pappy" Labbe, Town's Emergency Management Agent, gave a detailed report regarding the April 16, Patriot's Day Storm. Mr. Labbe thanked all the volunteers for their fine work throughout and after the storm. Mr. Labbe recommended the Town meet with Verizon regarding the generator at Cundy's Harbor and to ask FEMA to help defray the costs of placing the utility wires under the Cribstone Bridge. Selectman Henderson agreed that all the volunteers and individuals did a great job but that institutionally the utility companies did not serve Harpswell well. Selectman Henderson would like information pertaining to how many outages Harpswell has experienced.
- 6. Sign Purchase and Sale Agreement for Remaining Unknown Owner Parcel:** Chairman Alexander explained the original bidder awarded the parcel failed to complete the deal and the Board previously voted to award it to the next bidder. Chairman Alexander moved, seconded by Selectman Haible to accept the Purchase and Sales Agreement from Alan and Kay Kehew for map 62, lot 170 in the amount of \$6,500; motion passed 3-0.
- 7. Select Banking Institution for Loan to Harpswell Neck Fire Department and Authorize Loan Agreement with Harpswell Neck:** Marguerite Kelly, Town Treasurer, explained nine requests for proposals (RFP) were sent out to banking institutions and six responses were received ranging from 4.85% interest rate to 3.84%. Ms. Kelly recommended proceeding with Bangor Savings as they had the low bid and met the other requirements detailed in the RFP. Chairman Alexander moved, seconded by Selectman Henderson to award the loan to Bangor Savings; motion passed 3-0. Chairman Alexander added the "Motion of Board of Selectmen Authorizing \$75,000 of General Obligation Bonds" as an addendum to this motion. Selectman Henderson moved, seconded by Selectman Haible to authorize the Town Treasurer and Chairman to execute the loan with Harpswell Neck Fire Department at the same rate as the Town borrows at; motion passed 3-0.
- 8. Consider Policy Regarding Unpaid Transfer Station Bills:** Marguerite Kelly, Town Treasurer, explained the billing system has been improved and stated it seems reasonable to charge interest on unpaid balances in an attempt to collect the monies. Ms. Kelly recommended charging interest, at the same rate charged on delinquent property taxes, for unpaid balances on transfer station bills as of the first day of the month after the month in which the bill was sent. Administrator Eiane stated that authority to proceed to small claims court after six months is also being recommended. Chairman Alexander moved, seconded by Selectman Henderson to charge interest rate at the rate of 6.5% starting July 1 on unpaid transfer station bill balances beginning on the first day of the month after the month the bill was sent and also to reserve the right to pursue balances overdue by six months through small claims court. Chairman Alexander amended his motion by adding that the interest rate is 6.5% now and will change to whatever the interest rate on unpaid property taxes would be in the future. Selectman Henderson seconded the amendment. Amended motion passed 3-0.
- 9. Consider CEO Authority with Respect to Religious and Civic Organization Signs:** Tracey Thibault, Code Enforcement Officer, explained that after Town Meeting, the Codes Office sent letters and the amended sign ordinance to everyone with a potential sign violation. An inquiry was received specific to religious signs which the State Department of Transportation allows an exemption for and our local ordinance does not. Selectman Haible suggested the Codes Office enforce the State law instead of the local ordinance. Ms. Thibault responded the Codes Office preferred the language be added to our local ordinance. Administrator Eiane suggested that if the Board desired, potentially a proposed ordinance amendment could be placed on the June referendum ballot. Selectman Haible moved, seconded by Chairman Alexander to prepare the proposed language and place it on the June referendum for a vote; motion passed 3-0.

10. Wharf Applications

- **Ernest Dennis, Jr., Map 57, Lot 15, Long Island:** William Wells, Code Enforcement, Officer presented the application and stated that no adverse comments were received. The Board discussed items such as the eel grass, height of the wharf to the mean low tide and why the applicants do not share a wharf with the abutting lot. Selectman Henderson moved to approve the application with the condition that there be at least a 6-foot clearance from the shore to the deck to allow citizens to pass under. Chairman Alexander moved, seconded by Selectman Henderson to approve the application as it does not create a hazard to navigation since the location is not in a navigable channel and as it does not affect the public's right to the intertidal zone as long as there is a 6-foot clearance from the deck to mean low tide; motion passed 3-0.
- **Robert Howe & Kathleen Coleman, Map 57, Lot 13, Long Island:** William Wells, Code Enforcement Officer, presented the application and stated that no adverse comments were received. Selectman Haible expressed concern that the Board's packets did not include a copy of a NRPA application and questioned the eel grass situation. Mr. Wells responded that DEP inspects the site for that issue. He also checked and eel grass is not an issue. Chairman Alexander moved, seconded by Selectman Henderson to approve the application as it doesn't create a hazard to navigation or interfere with the public's right to the intertidal zone; motion passed 3-0.

11. Mitchell Field Update: Judith Redwine, chair of Mitchell Field Committee, reported the Committee is working very hard for the four upcoming forums to be held on June 6, June 26, July 15 and July 31 regarding the master planning process. Ms. Redwine encouraged everyone to participate in the process. Administrator Eiane reported that she met with an environmental engineer at the houses to follow up on the lead contamination in the soil. The site visit was in response to the Town's August 2006 letter to the Navy regarding the issue. Administrator Eiane stated she asked that the Town receive a response in writing. Administrator Eiane reported she has contacted the State toxicologist and is awaiting a date from him to come and speak with the Board. Selectman Henderson stated he received an email from a concerned citizen regarding the Washburn and Doughty proposal and also a call about the possibility of a special Town meeting. Selectman Henderson stated that the Board will be hearing a presentation from Washburn and Doughty and that it will not circumvent the master planning process. Administrator Eiane announced Mr. Doughty will make his presentation at the May 10 Selectmen's meeting.

12. Housing Committee Report: Hilde Bird, chair of Housing Committee, reviewed the Committee's proposed action plan as submitted in a memo to the Board. Chairman Alexander stated he was fine with the six points with the exception of #2, where he was concerned as there should be a separation between the Mitchell Field Committee and the Housing Committee. Selectman Haible responded that the Housing Committee isn't looking to officially join the Mitchell Field Committee, just participate in the master planning process. Selectman Haible and Selectman Henderson were both fine with the Committee's points. Paula Conley, member of Housing Committee, requested that a needs assessment for senior housing be added to the Committee's project list as a result of attending the Housing Trustees meeting last evening. Dan Boland, member of Housing Committee, suggested the needs assessment include the young as well as seniors.

13. Conservation Commission Report: Mary Ann Nahf, chair of Conservation Commission, reviewed that the 2005 Comprehensive Plan recommended a Townwide open space plan to maintain wildlife diversity. Ms. Nahf reported that the Town received a \$10,000 grant from the William P. Wharton Trust and that FB Environmental has been hired with the funds to develop the open space plan. Ms. Nahf stated that the open space plan is a tool to be used as guidance as the current open space plan is used. Ms. Nahf announced that the Commission along with the consultants will hold two forums, one on May 30 and one in mid-July and encouraged the public's participation. The meetings will be publicized and the public is also welcome to attend the Conservation Commission's monthly meetings.

14. Lobster Conservancy Presentation: Diane Cowan explained the Lobster Conservancy is an organization that surveys 138 sites in search of lobster nursery habitats. The program began in Harpswell in 1992 and 5 sites continue to be monitored in Harpswell with a few sites being identified as nursery habitats of significance, being defined as having at least 1 lobster per meter squared, such as Lowell's Cove. Ms. Cowan reviewed the sites, Cundy's Harbor, Gun Point, Lowell's Cove, Little Harbor and Pott's Point, and information pertaining to them. Ms. Cowan answered some questions from the Board and then presented them with maps and reports for the Town. Ms. Cowan called for the public to be aware of and protect lobster habitats but to not search for them as you are required to be licensed. The Lobster Conservancy is always looking for volunteers and donations.

15. Appointed Officials: Administrator Eiane read a list of proposed appointed officials: Code Enforcement Officer, William Wells; Local Plumbing Inspector, William Wells; Harbormaster, Jim Hays; Health Officer, Terri Sawyer; General Assistance Administrator, Kristi Eiane; Deputy General Assistance Administrator, Linda Strickland; Animal Control Officer, George Lee Johnson; Alternate Animal Control Officer, Richard Wyer; Emergency Management Agent, William Labbe; Fire Warden, Frank True; Deputy Fire Wardens, Patricia Frank, Jim Gordon, Linda Strickland, Greg Tisdale, Lisa True, Richard Wyer, Donna Wyer; Tree Warden, Timothy Vail; Harpswell Neck Fire Chief, David Mercier; Orr's/Bailey Island Fire Chief, William Beazley; Cundy's Harbor Fire Chief, Robert Miller and Constable, Richard Wyer. Selectman Haible moved, seconded by Chairman Alexander to appoint each one; motion passed 3-0.

16. Committee Assignments and Mission Statements: Selectman Henderson explained each Selectman was assigned to committees to appoint members and review mission statements. Selectman Haible moved, seconded by Chairman Alexander to appoint David Mercier, William Beazley, Robert Miller, Helen Tupper, Joyce Thomas and Ed Sparks to the **Fire and Rescue Committee**; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to appoint Steve Rowe for a three year term to the **Harbor and Waterfront Committee**; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to rename the Housing Sub-Committee to **Affordable Housing Committee**; motion passed 3-0. Selectman Haible moved, seconded by Selectman Henderson to appoint Dan Boland, Paula Conley, Sally Carignan and Hilde Bird to the **Affordable Housing Committee**; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to appoint Judith Redwine, David Wessel, David Hackett, Kimberley Johnson, Melinda Small, Tony Barrett, Sally Carignan, and Don Miskell, Jr., as an associate, to the **Mitchell Field Committee**; motion passed 3-0. Selectman Haible moved, seconded by Selectman Henderson to appoint Len Freeman, Roland Weeman, Nancy Dimmick, Patty McGovern, Kay Ogrodnik, Walter Norton and Richard Barton to the **Pipeline Easement Advisory Committee**; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to appoint Roland Weeman and Ellen Lebauer for three year terms and George Every for a one year associate term to the **Board of Appeals**; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to appoint Walter Moody, Sr., George Lee Bradbury, Nicholas Testa, Walter Ward, David Wilson, Shelly Wilson and Weston Watts to the **Marine Resources Committee**; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Alexander to appoint Elsa Martz, Richard Neiman, Dan Boland, Louise Huntington, John Papacosma, Kenneth Cichon, Ellen Lebauer and Robin Brooks to the **Comprehensive Plan Implementation Committee**; motion passed 3-0.

17. Consider Letter of Authorization for Tower Specialists, Inc. to Proceed to Planning Board:

Administrator Eiane explained that since the Town and Tower Specialists have not entered into an agreement, a letter of authorization is necessary for Tower Specialists to go before the Planning Board while negotiations continue. Chairman Alexander moved, seconded by Selectman Haible to approve the letter of authorization; motion passed 3-0.

18. Consider Request to Assist with Funding for Audit of the Department of Marine Resources Water Testing Program: Walter Ward, of the Marine Resource Committee, explained that the Town of Freeport attended the Committee's last meeting and requested the Committee's support for funding. Mr. Ward stated the Department of Marine Resources is being strict with regulations in Maine that make it more difficult for shellfish harvesting. Funds are being raised to perform an audit of the Department of Marine Resources water testing program that will compare the standards to other states and make Maine's procedures consistent. Mr. Ward stated a lot of other towns have donated already including Freeport and Brunswick at \$5,000 each. The Board questioned Administrator Eiane about what options were available. Ms. Eiane explained two options: 1. Town meeting approved \$5,000 for economic development which could potentially be used for this purpose and; 2. could place a question to the voters at the June referendum. The Board discussed the value of the shellfishing industry to the harvesters, the other businesses affected by the trickle down effect and the Town's economy. Chairman Alexander moved, seconded by Selectman Henderson to commit \$4,000 of the economic development funds to this purpose. The Board discussed what amount would be best to assist in this project while maintaining some funds for other economic issues. Chairman Alexander amended his motion to commit \$3,000; motion passed 3-0. Shellfish Warden Bradbury and Committee member Weston Watts both spoke in support auditing DMR's water testing program.

19. Consider Bids for Sale of Town Vehicle: Chairman Alexander opened three bids received on the purchase of a Town automobile: Debra A. Hershey for \$1.00; Richard Beecher for \$311; and Richard Alexander for \$1,400. Selectman Haible moved, seconded by Selectman Henderson to accept the \$1,400 bid and if that bidder doesn't complete the sale then to approve the second bid and then the third; motion passed 3-0.

20. Discussion of Selectmen's Meeting Schedule: Selectman Haible expressed concern about the length of the Selectmen's meetings and questioned if the Board should meet more often. Both Chairman Alexander and Selectman Henderson preferred to meet every other Thursday. The Board discussed changing its Thursday schedule to coordinate meeting opposite the school board so that school board members can attend the Selectmen's meetings. The Board agreed to meeting May 10 and May 31.

21. Authorization of the Warrant: Kristi Eiane, Town Administrator recommended approval of Warrants 21 and 22 and Payroll Warrant 19. Chairman Alexander moved, seconded by Selectman Haible to approve Warrant 21 for \$113,273.58; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to approve Warrant 22 for \$5,358.83; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to approve Payroll Warrant 19 in the amount of \$17,502.50; motion passed 3-0.

Chairman Alexander announced the Town received a grant in the amount of \$25,000 from the Maine Municipal Bond Bank to go towards emergency services planning.

22. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Alexander to approve the minutes of April 12 as printed; motion passed 3-0.

23. Public Comment: Doug Johnson questioned why the Board doesn't consider a Special Town Meeting for the Washburn and Doughty proposal since Washburn and Doughty needs a rapid decision and it seems like a good fit for Harpswell. Selectman Henderson responded that the Town needs to proceed with the master planning process.

24. Adjournment: Chairman Alexander moved to adjourn. The meeting was adjourned by unanimous vote at 9:20 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Motion of Board of Selectmen Authorizing \$75,000 of General Obligation Bonds
Housing Committee Report